

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| In re Application of: |) | |
| |) | |
| Kurt P. Haldeman et al. |) | Group Art Unit: 2614 |
| |) | |
| Serial No.: 10/798,348 |) | Examiner: S. Woo |
| |) | |
| Filed: March 12, 2004 |) | |
| |) | |
| For: METHOD AND SYSTEMS FOR |) | |
| PROVIDING COMMUNICATION |) | |
| SERVICES FOR HEARING-IMPAIRED |) | |
| PARTIES |) | |

APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Window, Mail Stop Appeal Brief – Patents
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

This Appeal Brief is submitted in response to the Final rejection mailed June 2, 2006 and
in support of the Notice of Appeal filed August 29, 2006.

I. **REAL PARTY IN INTEREST**

The real party in interest in this appeal is MCI, LLC, an affiliate of Verizon, Inc.

II. **RELATED APPEALS AND INTERFERENCES**

Appellants are unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 1, 2 and 4-23 are pending in this application. Claim 3 was previously canceled without prejudice or disclaimer. Claims 1, 2 and 4-23 are the subject of the present appeal.

IV. STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the Final Office Action mailed June 2, 2006.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Each of the independent claims involved in this appeal is recited below, followed in parenthesis by examples of where support can be found in the specification and drawings for the claimed subject matter. In addition, each dependent claim argued separately below is also summarized in a similar manner.

Claim 1 recites: A method for providing communication services, comprising: receiving a request from a hearing-impaired party for establishing a communication link (e.g., page 11, paragraphs 35 and 36, page 12, paragraph 39; Fig. 3, 310); identifying a communication assistant from a list of available communication assistants (e.g., pages 12-13, paragraph 41; Fig. 3, 330); forwarding the request to the communication assistant (e.g., page 13, paragraph 42; Fig. 3, 330); establishing, by the communication assistant, a communication link to the hearing-impaired party using a text messaging program (e.g., page 14, paragraphs 43-44; Fig. 3, 340), wherein the communication link between the hearing-impaired party and the communication assistant

comprises a persistent, full duplex link configured to allow each of the communication assistant and the hearing-impaired party to view text generated by the other respective party in a streaming manner (e.g., page 11, paragraph 37, page 16, paragraph 49); receiving a telephone number from the hearing impaired party, the telephone number being associated with a hearing party (e.g., page 12, paragraph 39, page 14, paragraph 44); establishing, by the communication assistant, a voice link with the hearing party (e.g., page 14, paragraph 45; Fig. 3, 350); receiving, by the communication assistant, voice messages from the hearing party via the voice link (e.g., page 15, paragraph 47; Fig. 3, 370); generating text messages, by the communication assistant, the text messages corresponding to the voice messages (e.g., page 15, paragraph 47; Fig. 3, 370); and transmitting the text messages to the hearing-impaired party in a streaming manner (e.g., page 15, paragraphs 47-48; Fig. 3, 370).

Claim 4 recites: The method of claim 1, further comprising: receiving, by the communication assistant, text messages from the hearing-impaired party in a streaming manner; and transmitting, by the communication assistant, voice messages to the hearing party, the voice messages corresponding to the received text messages (e.g., pages 15-16, paragraphs 47-49).

Claim 5 recites: The method of claim 1, wherein the request from the hearing-impaired party is a request for a socket connection received via a packet-switched network from a device executing a text messaging program (page 11, paragraph 36).

Claim 8 recites: A system, comprising: a server configured to (e.g., Fig. 1, 130): receive a

request from a wireless device associated with a hearing-impaired party for establishing a communication link to a hearing party (e.g., pages 6-7, paragraphs 22-23, page 11, paragraphs 35 and 36), identify a first communication assistant from a plurality of communication assistants (e.g., pages 12-13, paragraph 41), and forward the request (e.g., page 13, paragraph 42); and a first device associated with the first communication assistant (e.g., Fig. 1, 140), the first device being configured to: receive the request from the server (e.g., page 13, paragraph 42), establish a full duplex communication link to the wireless device, the full duplex communication link being configured to allow each of the first device and the wireless device to transmit text messages to the other respective device in a streaming manner (e.g., page 11, paragraph 37, page 16, paragraph 49), communicate with the hearing-impaired party, via the wireless device, over the full duplex communication link using streaming text messages (e.g., page 14, paragraph 44, page 16, paragraph 49), and establish a voice link with the hearing party (e.g., page 14, paragraph 45).

Claim 9 recites: The system of claim 8, wherein the first device comprises a workstation (e.g., Fig. 1, 140; page 9, paragraph 30), the first device being further configured to: receive voice messages from the hearing party via the voice link (e.g., page 15, paragraph 47), transmit text messages to the wireless device in a streaming manner, the text messages being input by the first communication assistant and corresponding to the received voice messages (e.g., page 15, paragraph 47), receive text messages from the hearing-impaired party in a streaming manner via the wireless device (e.g., page 15, paragraph 47), and transmit voice messages to the hearing party, the transmitted voice messages corresponding to the received text messages (e.g., page 15, paragraph 47).

Claim 15 recites: A computer-readable medium having stored thereon a plurality of sequences of instructions, said sequences of instructions including sequences of instructions which, when executed by a processor (e.g., Fig. 2, 220), cause said processor to: receive a request from a wireless device associated with a hearing-impaired party, the request being associated with establishing a communication link to a hearing party (e.g., page 11, paragraphs 35 and 36); establish a persistent, full duplex communication link with the wireless device, the persistent, full duplex communication link being configured to allow the transmission of streaming text messages; and establish a voice link to the hearing party (e.g., page 11, paragraph 37).

Claim 16 recites: The computer-readable medium of claim 15, including instructions for further causing the processor to: receive voice messages from the hearing party via the voice link (e.g., page 15, paragraph 47); transmit, in response to received voice messages, streaming text messages to the wireless device, the streaming text messages corresponding to the voice messages (e.g., page 15, paragraph 47); receive streaming text messages from the wireless device (e.g., page 15, paragraph 47); and display the streaming text messages as they are being received (e.g., page 16, paragraph 49).

Claim 18 recites: A system, comprising: means for receiving a request from a wireless device, the wireless device being associated with a hearing-impaired party and the request being associated with establishing communications with a hearing party (e.g., Fig. 1, 130; page 11, paragraphs 35 and 36); means for forwarding the request to a communication assistant (e.g., page 13, paragraph 42); and means for establishing a full duplex data link between the communication

assistant and the wireless device, the full duplex data link being configured to allow the streaming transmission of data between the communication assistant and the wireless device (e.g., page 11, paragraph 37, page 16, paragraph 49).

Claim 20 recites: A method, comprising: receiving a telephone number from a wireless device associated with a hearing-impaired party, the telephone number corresponding to the telephone number of a first party (e.g., page 12, paragraph 39; Fig. 3, 310); establishing a full duplex data link with the wireless device (e.g., page 11, paragraph 37); and communicating with the hearing-impaired party via the wireless device over the full duplex data link using streaming text messages (e.g., page 11, paragraph 37, page 16, paragraph 49).

Claim 23 recites: The method of claim 20, further comprising: communicating with the hearing-impaired party by transmitting image data from a communication assistant to the wireless device (e.g., page 16, paragraph 50).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1, 2, 4, 6-9 and 11-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaturvedi et al. (U.S. Patent No. 6,950,500; hereinafter Chaturvedi) in view of Enns (U.S. Patent Publication No. 2002/0065820).

B. Claims 5 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chaturvedi in view of Enns and further in view of Battin et al. (U.S. Patent Publication No. 2002/0199019; hereinafter Battin).

VII. ARGUMENT

A. Rejection under 35 U.S.C. § 103 based on Chaturvedi and Enns

1. Claims 1, 2, 6 and 7

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

In establishing the requisite motivation, it has been consistently held that the requisite motivation to support the conclusion of obviousness is not an abstract concept, but must stem from the prior art as a whole to impel one having ordinary skill in the art to modify a reference or to combine references with a reasonable expectation of successfully achieving some particular realistic objective. See, for example, Interconnect Planning Corp. v. Feil, 227 USPQ 543 (Fed. Cir. 1985). Consistent legal precedent admonishes against the indiscriminate combination of prior art references. Carella v. Starlight Archery, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985).

With these principles in mind, claim 1 recites a method for providing communication services that includes receiving a request from a hearing-impaired party for establishing a communication link. Claim 1 also recites establishing, by the communication assistant, a communication link to the hearing-impaired party using a text messaging program, wherein the communication link between the hearing-impaired party and the communication assistant comprises a persistent, full duplex link configured to allow each of the communication assistant and the hearing-impaired party to view text generated by the other respective party in a streaming manner.

The Final Office Action states that Chaturvedi discloses establishing a link between the hearing-impaired party and the communication assistant and points to col. 7, lines 34-44 for support (Final Office Action – page 2). As admitted in the Final Office Action, this portion of Chaturvedi does not disclose that the link between the hearing-impaired party 12 and the message translator 24 is configured to allow each of the communication assistant and the hearing-impaired party to view text generated by the other respective party in a streaming manner, as required by claim 1.

The Final Office Action, however, states that Enns discloses the desirability of communicating text data between devices in a streaming manner and points to paragraphs 43-44 for support (Final Office Action – page 3).

Appellants initially note that Enns is directed to systems and methods for automatically identifying a telephone number included in a stream or body of text and is not at all related to providing communication services for a hearing-impaired party (Enns – page 1, paragraph 3). Enns at paragraph 43 discloses that streaming is a technique for transferring content such that it

can be processed as a steady and continuous stream and that a computing device may perform operations on a received portion of a contiguous set of content before transfer of the complete set of content occurs. Enns at paragraph 44 discloses that streaming text is text received using a streaming technique. Enns at paragraph 44 further discloses that a computing device may only be capable of receiving groups of a certain number of characters, such as five characters in a 50 character electronic mail message, due to the computing device's access speed. This portion of Enns further discloses that the computing device may perform operations on the first group of characters before a second group of characters in the electronic mail message is received.

Paragraphs 43 and 44 of Enns do not disclose or suggest establishing a persistent, full duplex link configured to allow any party, much less a communication assistant or a hearing-impaired party, to view text generated by the other respective party in a streaming manner, as required by claim 1. In contrast, Enns merely discloses that a computing device is able to perform operations on a group of characters prior to receiving other groups of characters in the same electronic mail message. Enns clearly does not disclose or suggest that the computing device in Enns allows a receiving party to view any text generated by another party in a streaming manner. Further, based on Enns' example of an electronic mail message, Appellants presume that the operations performed by the computing device on a first group of characters may include transferring these characters to some memory or buffer while waiting for the other characters in the electronic mail message to be received. However, Enns does not disclose or suggest that the computing device is configured to allow a party to view text generated by another party in a streaming manner, as required by claim 1.

Claim 1 also recites generating text messages corresponding to the voice messages and transmitting the text messages to the hearing-impaired party in a streaming manner. Chaturvedi, as admitted in the Final Office Action, does not disclose this feature. Enns as discussed above may disclose streaming text between devices. Enns, however, does not disclose or suggest transmitting text messages (that correspond to voice messages) to a hearing-impaired party in a streaming manner.

For at least these reasons, the combination of Chaturvedi and Enns does not disclose or suggest each of the features of claim 1.

In addition, even if, for the sake of argument, the combination of Chaturvedi and Enns could be fairly construed to disclose or suggest all the features of claim 1, Appellants respectfully submit that the alleged motivation to combine these references does not meet the requirements of 35 U.S.C. § 103.

For example, the Final Office Action states that it would have been obvious to incorporate text streaming, as taught by Enns, within the system of Chaturvedi “in order to more efficiently receive data in real-time” (Final Office Action – page 3). Appellants respectfully disagree.

Chaturvedi is directed to a relay center providing communication services for hearing and speech impaired parties (Chaturvedi – col. 1, line 5 to col. 2, line 45). Enns, in contrast, is directed to automatically identifying a telephone number included in electronic text (Enns – Abstract). These two references are totally unrelated, other than the fact that each of these references may involve some type of communications. Appellants assert that one of ordinary skill in the art would not have looked to combine features from these two references due to the

disparate nature of these references. That is, the mere fact that both of these references may involve communications does not mean that it would have been obvious to combine features from these clearly disparate disclosures.

Further, the Final Office Action states the motivation for combining Chaturvedi and Enns is “to more efficiently receive data in real-time”. This motivation is merely a conclusory statement providing an alleged benefit of the combination of Chaturvedi and Enns. No portion of either reference is pointed to as providing objective motivation for the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103. The mere fact that one reference allegedly provides some missing disclosure with respect to a claim does not satisfy the requirements of 35 U.S.C. § 103 as to why it would have been obvious to combine the references. Appellants assert that it would not have been obvious to combine these two references without the benefit of Appellants’ disclosure.

For at least these reasons, Appellants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 103 based on the combination of Chaturvedi and Enns is improper. Accordingly, reversal of the rejection of claims 1, 2, 6 and 7 is respectfully requested.

2. Claim 4

Claim 4 recites that the method further comprises receiving, by the communication assistant, text messages from the hearing-impaired party in a streaming manner; and transmitting, by the communication assistant, voice messages to the hearing party, the voice messages corresponding to the received text messages.

Chaturvedi, as admitted in the Final Office Action, does not disclose or suggest receiving

text messages in a streaming manner. Enns at paragraphs 43-44 generally refers to a technique for streaming text. Enns, however, clearly is not at all related to providing communication services for a hearing-impaired party and does not disclose or suggest receiving, by a communication assistant, text messages from a hearing-impaired party in a streaming manner, as required by claim 4.

For at least these reasons, Appellants respectfully submit that the rejection of claim 4 under 35 U.S.C. § 103 based on the combination of Chaturvedi and Enns is improper. Accordingly, reversal of the rejection of claim 4 is respectfully requested.

3. Claims 8, 11-15 and 18

Claim 8 recites a system that comprises a server and a first device. The server is configured to receive a request from a wireless device associated with a hearing-impaired party for establishing a communication link to a hearing party, identify a first communication assistant from a plurality of communication assistants, and forward the request. The first device is associated with the first communication assistant and is configured to receive the request from the server, establish a full duplex communication link to the wireless device, the full duplex communication link being configured to allow each of the first device and the wireless device to transmit text messages to the other respective device in a streaming manner, communicate with the hearing-impaired party, via the wireless device, over the full duplex communication link using streaming text messages, and establish a voice link with the hearing party. The combination of Chaturvedi and Enns does not disclose or suggest these features.

For example, Chaturvedi does not disclose a first device associated with a communication assistant configured to establish a full duplex communication link to the wireless device, the full duplex communication link being configured to allow each of the first device and the wireless device to transmit text messages to the other respective device in a streaming manner. The Final Office Action, however, relies upon Enns as disclosing communicating text data between devices in a streaming manner and points to paragraphs 43-44 of Enns for support (Final Office Action – page 3).

Enns at paragraphs 43-44, as discussed above, may disclose streaming text in general. Enns, however, does not disclose or suggest a first device associated with a communication assistant that is configured to establish a full duplex link configured to allow the first device and a wireless device associated with a hearing impaired party to transmit text messages to the other respective device in a streaming manner. In contrast, Enns merely discloses that a computing device may receive streaming text from another device.

Therefore, as a factual matter, the combination of Chaturvedi and Enns does not disclose or suggest each of the features of claim 8.

In addition, even if, for the sake of argument, the combination of Chaturvedi and Enns could be fairly construed to disclose or suggest all the features of claim 8, Appellants respectfully submits that the alleged motivation to combine these references does not meet the requirements of 35 U.S.C. § 103 for the reasons stated above with respect to claim 1.

For at least these reasons, Appellants respectfully submit that the rejection of claim 8 under 35 U.S.C. § 103 based on the combination of Chaturvedi and Enns is improper. Accordingly, reversal of the rejection of claims 8, 11-15 and 18 is respectfully requested.

4. Claims 9, 17 and 19

Claim 9 recites, among other things, that the first device is configured to transmit text messages to the wireless device in a streaming manner and receive text messages from the hearing-impaired party in a streaming manner via the wireless device. Chaturvedi, as admitted in the Final Office Action, does not disclose or suggest transmitting text messages in a streaming manner. The Final Office Action, however, relies upon Enns at paragraphs 43-44 for the use of streaming text (Final Office Action – page 4).

Enns at paragraphs 43-44, as discussed above, may disclose streaming text in general. Enns, however, does not disclose or suggest transmitting text messages (corresponding to voice messages from a hearing party) to a wireless device (associated with a hearing-impaired party) in a streaming manner, as required by claim 9. Enns also does not disclose or suggest receiving text messages from a hearing-impaired party in a streaming manner, as further required by claim 9.

Therefore, as a factual matter, the combination of Chaturvedi and Enns does not disclose or suggest each of the features of claim 9. For at least these reasons, Appellants respectfully submit that the rejection of claim 9 under 35 U.S.C. § 103 is improper and reversal of the rejection of claims 9, 17 and 19 is respectfully requested.

5. Claim 16

Claim 16 recites, that the computer-readable medium includes instructions for further causing the processor to: receive voice messages from the hearing party via the voice link; transmit, in response to received voice messages, streaming text messages to the wireless device, the streaming text messages corresponding to the voice messages; receive streaming text

messages from the wireless device; and display the streaming text messages as they are being received. The combination of Chaturvedi and Enns does not disclose or suggest these features.

For example, the Final Office Action admits that Chaturvedi does not disclose the use of streaming text messages and relies upon Enns at paragraphs 43-44 for communicating text in a streaming manner (Final Office Action – page 3).

Similar to the discussion above with respect to claim 1, Enns at paragraphs 43-44 does not disclose or suggest displaying streaming text messages as they are being received, as required by claim 16. In contrast, Enns merely discloses that a computing device is able to perform operations on a group of characters prior to receiving other groups of characters in the same electronic mail message. Enns clearly does not disclose or suggest that the computing device in Enns displays the streaming text messages as they are being received. Further, as discussed above with respect to claim 1, based on Enns' example of an electronic mail message, Appellants presume that the operations performed by the computing device on a first group of characters may include transferring these characters to some memory or buffer while waiting for the other characters in the electronic mail message to be received. However, Enns does not disclose or suggest that the computing device is configured to display the streaming text messages as they are being received, as required by claim 16.

For at least these reasons, Appellants respectfully submit that the rejection of claim 16 under 35 U.S.C. § 103 based on the combination of Chaturvedi and Enns is improper.

Accordingly, reversal of the rejection of claim 16 is respectfully requested.

6. Claims 20-22

Claim 20 recites a method, comprising: receiving a telephone number from a wireless device associated with a hearing-impaired party, the telephone number corresponding to the telephone number of a first party; establishing a full duplex data link with the wireless device; and communicating with the hearing-impaired party via the wireless device over the full duplex data link using streaming text messages. The combination of Chaturvedi and Enns does not disclose or suggest these features.

For example, Chaturvedi, as admitted in the Final Office Action, does not disclose communicating with a hearing-impaired party via a wireless device over a full duplex data link using streaming text messages. The Final Office Action, however, relies upon Enns as disclosing communicating between devices in a streaming manner and points to paragraphs 43-44 of Enns for support (Final Office Action – page 3).

Enns at paragraphs 43-44, as discussed above, may disclose streaming text in general. Enns, however, does not disclose or suggest communicating with a hearing-impaired party via a wireless device over a full duplex link using streaming text messages, as required by claim 20. In contrast, Enns merely discloses that a computing device may receive streaming text from another device.

Therefore, as a factual matter, the combination of Chaturvedi and Enns does not disclose or suggest each of the features of claim 20.

In addition, even if, for the sake of argument, the combination of Chaturvedi and Enns could be fairly construed to disclose or suggest all the features of claim 20, Appellants

respectfully submit that the alleged motivation to combine these references does not meet the requirements of 35 U.S.C. § 103 for the reasons stated above with respect to claim 1.

For at least these reasons, Appellants respectfully submit that the rejection of claim 20 under 35 U.S.C. § 103 based on the combination of Chaturvedi and Enns is improper. Accordingly, reversal of the rejection of claims 20-22 is respectfully requested.

7. Claim 23

Claim 23 recites communicating with the hearing-impaired party by transmitting image data from a communication assistant to the wireless device. The Final Office Action states that Chaturvedi discloses transmitting interface screens to the hearing-impaired party and points to col. 6, lines 8-18 of Chaturvedi for support (Final Office Action – page 3). Appellants assume that the interface screens are alleged to be equivalent to image data.

Chaturvedi discloses that the web server 32 administers a web site that has a display interface that may be provided to a hearing-impaired party 12. Claim 23 however, recites communicating with the hearing-impaired party by transmitting image data from a communication assistant to the wireless device. Chaturvedi does not disclose or suggest that message translator 24 transmits image data to the hearing-impaired party, as would be required by claim 23 based on the alleged equivalence of the message translator 24 to a communication assistant. Enns also does not disclose or suggest this feature.

For at least these reasons, Appellants respectfully submit that the rejection of claim 23 is improper. Accordingly, reversal of the rejection of claim 23 is respectfully requested.

B. Rejection under 35 U.S.C. § 103 based on Chaturvedi, Enns and Battin

1. Claims 5 and 10

Claim 5 recites that the request from the hearing-impaired party is a request for a socket connection received via a packet-switched network from a device executing a text messaging program. The Final Office Action admits that neither Chaturvedi nor Enns discloses this feature and relies upon Battin as allegedly disclosing the use of a socket connection request (Final Office Action – page 4). The Final Office Action apparently indicates that it would have been obvious to modify the combination of Chaturvedi and Enns to include the feature allegedly disclosed by Battin since it is old and well known in the art to use socket connection requests in a packet switched network (Final Office Action – page 4). Appellants respectfully disagree.

Even if, for the sake of argument, the combination of Chaturvedi, Enns and Battin could be fairly construed to disclose or suggest all the features of claim 5, Appellants respectfully submit that the motivation to combine these references does not meet the requirements of 35 U.S.C. § 103.

For example, the Final Office Action merely states that it would have been obvious to use Battin's disclosure in the combination of Chaturvedi and Enns since such a socket connection request is old and well known. Appellants respectfully disagree.

Battin is directed to cellular communication systems (Battin – Abstract). Chaturvedi is directed to a relay center providing communication services for hearing and speech impaired parties (Chaturvedi – col. 1, line 5 to col. 2, line 45) and Enns is directed to automatically identifying a telephone number included in electronic text (Enns – Abstract). These three references are totally unrelated, other than the fact that each of these references may involve

some type of communications. Appellants assert that one of ordinary skill in the art would not have looked to combine features from these three references due to the disparate nature of these references. Further, the mere fact that one reference allegedly provides some missing disclosure with respect to a claim does not satisfy the requirements of 35 U.S.C. § 103 as to why it would have been obvious to combine the reference with a combination of other references. Appellants assert that it would not have been obvious to combine these three references without the benefit of Appellants' disclosure.

For at least these reasons, Appellants respectfully submit that the rejection of claim 5 under 35 U.S.C. § 103 based on the combination of Chaturvedi, Enns and Battin is improper. Accordingly, reversal of the rejection of claims 5 and 10 is respectfully requested.

VIII. CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections of claims 1, 2 and 4-23.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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IX. APPENDIX

1. A method for providing communication services, comprising:

receiving a request from a hearing-impaired party for establishing a communication link;

identifying a communication assistant from a list of available communication assistants;

forwarding the request to the communication assistant;

establishing, by the communication assistant, a communication link to the hearing-impaired party using a text messaging program, wherein the communication link between the hearing-impaired party and the communication assistant comprises a persistent, full duplex link configured to allow each of the communication assistant and the hearing-impaired party to view text generated by the other respective party in a streaming manner;

receiving a telephone number from the hearing impaired party, the telephone number being associated with a hearing party;

establishing, by the communication assistant, a voice link with the hearing party;

receiving, by the communication assistant, voice messages from the hearing party via the voice link;

generating text messages, by the communication assistant, the text messages corresponding to the voice messages; and

transmitting the text messages to the hearing-impaired party in a streaming manner.

2. The method of claim 1, wherein the request from the hearing-impaired party is transmitted via a wireless device.

4. The method of claim 1, further comprising:

receiving, by the communication assistant, text messages from the hearing-impaired party in a streaming manner; and

transmitting, by the communication assistant, voice messages to the hearing party, the voice messages corresponding to the received text messages.

5. The method of claim 1, wherein the request from the hearing-impaired party is a request for a socket connection received via a packet-switched network from a device executing a text messaging program.

6. The method of claim 1, wherein the request from the hearing-impaired party is received via the Internet.

7. The method of claim 1, wherein the voice link from the communication assistant to the hearing party comprises a voice over Internet Protocol link.

8. A system, comprising:

a server configured to:

receive a request from a wireless device associated with a hearing-impaired party for establishing a communication link to a hearing party,

identify a first communication assistant from a plurality of communication assistants, and

forward the request; and

a first device associated with the first communication assistant, the first device being configured to:

receive the request from the server,

establish a full duplex communication link to the wireless device, the full duplex communication link being configured to allow each of the first device and the wireless device to transmit text messages to the other respective device in a streaming manner,

communicate with the hearing-impaired party, via the wireless device, over the full duplex communication link using streaming text messages, and

establish a voice link with the hearing party.

9. The system of claim 8, wherein the first device comprises a workstation, the first device being further configured to:

receive voice messages from the hearing party via the voice link,

transmit text messages to the wireless device in a streaming manner, the text messages being input by the first communication assistant and corresponding to the received voice messages,

receive text messages from the hearing-impaired party in a streaming manner via the wireless device, and

transmit voice messages to the hearing party, the transmitted voice messages corresponding to the received text messages.

10. The system of claim 8, wherein the request from the hearing-impaired party is a request for a socket connection received via a packet-switched network.

11. The system of claim 8, wherein the request from the hearing-impaired party is received via the Internet.

12. The system of claim 8, wherein the first device is further configured to establish the voice link from the first communication assistant to the hearing party using voice over Internet Protocol.

13. The system of claim 8, wherein the first device is further configured to:
establish a conference call between the hearing-impaired party, the first communication assistant and the hearing party, the conference call utilizing voice over Internet Protocol.

14. The system of claim 13, wherein the conference call is configured to link the hearing-impaired party, the first communication assistant and the hearing party in at least one of a hearing carry over environment, a voice carry over environment and a speech-to-speech environment.

15. A computer-readable medium having stored thereon a plurality of sequences of instructions, said sequences of instructions including sequences of instructions which, when executed by a processor, cause said processor to:

receive a request from a wireless device associated with a hearing-impaired party, the request being associated with establishing a communication link to a hearing party;

establish a persistent, full duplex communication link with the wireless device, the persistent, full duplex communication link being configured to allow the transmission of streaming text messages; and

establish a voice link to the hearing party.

16. The computer-readable medium of claim 15, including instructions for further causing the processor to:

receive voice messages from the hearing party via the voice link;
transmit, in response to received voice messages, streaming text messages to the wireless device, the streaming text messages corresponding to the voice messages;
receive streaming text messages from the wireless device; and
display the streaming text messages as they are being received.

17. The computer-readable medium of claim 15, including instructions for further causing the processor to:

receive voice messages from the hearing party via the voice link;
automatically generate text messages corresponding to the voice messages;
transmit the automatically generated text messages to the wireless device in a streaming manner;
receive streaming text messages from the wireless device;

automatically generate voice messages corresponding to the received streaming text messages; and

transmit the voice messages to the hearing party.

18. A system, comprising:

means for receiving a request from a wireless device, the wireless device being associated with a hearing-impaired party and the request being associated with establishing communications with a hearing party;

means for forwarding the request to a communication assistant; and

means for establishing a full duplex data link between the communication assistant and the wireless device, the full duplex data link being configured to allow the streaming transmission of data between the communication assistant and the wireless device.

19. The system of claim 18, further comprising:

means for receiving streaming text messages from the wireless device;

means for transmitting voice messages corresponding to the received text messages to the hearing party;

means for receiving voice messages from the hearing party; and

means for transmitting streaming text messages corresponding to the voice messages to the wireless device.

20. A method, comprising:

receiving a telephone number from a wireless device associated with a hearing-impaired party, the telephone number corresponding to the telephone number of a first party;
establishing a full duplex data link with the wireless device; and
communicating with the hearing-impaired party via the wireless device over the full duplex data link using streaming text messages.

21. The method of claim 20, wherein the communicating comprises:

automatically translating text messages received via the full duplex data link to voice messages, and
transmitting the voice messages to the first party.

22. The method of claim 20, further comprising:

receiving voice messages from the first party;
automatically translating the voice messages into text messages; and
transmitting the text messages to the hearing-impaired party as streaming text messages via the full duplex data link.

23. The method of claim 20, further comprising:

communicating with the hearing-impaired party by transmitting image data from a communication assistant to the wireless device.

X. EVIDENCE APPENDIX

None

XI. RELATED PROCEEDINGS APPENDIX

None